

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Atsushi MIYAWAKI et al.

Confirmation No. : 5047

Appl. No. : 10/581,551

Examiner : Alexander D. KIM

I. A. Filed : December 3, 2004

Group Art Unit : 1656

For : FLUORESCENT PROTEIN

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop **After Final**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

Your petitioners, RIKEN, a corporation of Japan, whose business address is 2-1, Hirosawa, Wako-shi, Saitama 351-0198, JAPAN, and MEDICAL & BIOLOGICAL LABORATORIES CO., LTD., a corporation of Japan, whose business address is 5th Floor, Sumitomoshoji-Marunouchi Bldg., 5-10, Marunouchi 3-chome, Naka-ku, Nagoya-shi, Aichi 460-0002, JAPAN, represent that they are the owners of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on April 23, 2007 at Reel 019195, Frame 0915, and of U.S. Patent Nos. 7,226,993 and 7,541,451 by virtue of an assignment recorded in the U.S. Patent and Trademark Office on November 5, 2004 at Reel 015965, Frame 0654.

The undersigned is an attorney or agent of record authorized to act on behalf of the assignee in the filing of this terminal disclaimer.

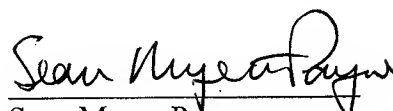
Your petitioners, RIKEN and MEDICAL & BIOLOGICAL LABORATORIES CO., LTD., hereby disclaim, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of prior U.S. Patent No. 7,226,993 or prior U.S. Patent No. 7,541,451, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent Nos. 7,226,993 and 7,541,451 are commonly owned. This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

Petitioners do not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Patent No. 7,226,993 or U.S. Patent No. 7,541,451 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Applicants hereby authorize the charging of any required fees necessary for consideration of the documents cited herein to Deposit Account No. 19-0089.

Respectfully Submitted,
Atsushi MIYAWAKI et al.


Sean Myers-Payne
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March 28, 2011
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